

Kyle, Lott, Martin, McDade, Newman, Scarborough, Scott, Taylor, Weatherford and Whitaker—23.

Mr. Bryan offered the following amendments:

Insert in third line in fourth section, after the word "heretofore," the words "and as provided for in section 2d." In same section, after "State of Texas," in twelfth line, insert "and county;" adopted.

Mr. Allen offered the following substitute for section 2d:

SEC. 2. *Be it enacted*, That the State taxes shall be collected as heretofore provided by law; and distributed among the several counties of the State according to free white population as hereinafter provided; which, on motion of Mr. Holland, was laid on the table by the following vote:

YEAS—Messrs. Bryan, Burks, Doane, Durst, Edwards, Ginn, Hill, Holland, Jowers, Keenan, Kyle, Lott, Martin, McAnelly, McDade, Newman, Potter, Scarborough, Scott, Sublett, Superviele, Taylor and Whitaker—23.

NAYS—Messrs. Allen, Armstrong, Gage, Hart, Weatherford and Wren—6.

Mr. Sublett offered the following substitute for the bill:

An act to relieve the people from taxation for the years 1854 and 1855; which was, on motion of Mr. Holland, laid on the table.

The bill was then ordered to be engrossed.

On motion of Mr. Jowers, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, Nov. 23, 1853.

The Senate was called to order by the President pro tem., pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of yesterday read and adopted.

Mr. H. C. Pedigo, Senator elect from district No. 16, composed of the counties of Jefferson, Liberty, Polk, Trinity, Orange and Tyler, presented his credentials, was qualified and took his seat.

Mr. Potter, chairman of the committee on the Militia, to whom was referred a bill to amend an act concerning divorce and alimony, approved January 6th, 1841, reported the same back to the Senate and recommended its rejection.

Mr. Burks, chairman of the committee on the Militia, to whom was referred a bill setting apart and reserving two leagues of land around each military post on the frontier, for the present use and

occupancy of the United States troops, reported the same back to the Senate and recommended its passage with the following amendments:

1st. Amend the caption by striking out "two" and insert "one."

Amendment 2d. In 1st section, 7th line, strike out "two" and insert "one."

Amendment 3d. Add to 2d section: "Provided, whenever the commanding officer is about to leave the post, he shall inform the Governor; and it is hereby made the duty of the Governor to appoint some suitable person, who resides near the fort or station, to take charge of the buildings on said reservation, and rent the same to the best advantage for the benefit of the State of Texas, until the Legislature shall make some disposition of the same."

Mr. Jowers, from the select committee, to whom was referred a bill supplementary to an act supplementary to and amending an act for the relief of citizens of Mercer's colony, approved February 2d, 1850, together with amendments, reported the same back to the Senate and recommended its passage with the following amendment, as a substitute for the original amendment, to come in at the end of the first section:

Provided, That no certificate shall be granted or issued under the provisions of this act, or the act to which this is a supplement, unless the applicant shall make all the proof required by the above recited act; and shall also prove by his or her own oath, supported by the oaths of two respectable witnesses, that he, or his, or her ancestor, or decedents, as the case may be, emigrated to, and settled within the limits of the territory commonly known as Mercer's Colony, on or before the 29th day of January, A. D. 1849; and should any certificate be obtained by fraud or perjury, or otherwise than according to the true intent and meaning of this act, such certificate and the patent issued thereon shall be utterly void.

Mr. Guinn, from the committee on Engrossed Bills, reported the following bills correctly engrossed:

A bill making an appropriation for the per diem and mileage pay of members, and the per diem pay of the officers of the fifth Legislature;

A bill appropriating five thousand dollars to pay the contingent expenses of both houses of the Legislature;

A bill relinquishing to the counties the State taxes for the years 1854 and 1855; and

A bill to amend a joint resolution for the relief of the heirs and

assigns of Benjamin D. Nobles, deceased, approved December 31, 1849.

Mr. Weatherford, chairman of the select committee to whom was referred a bill regulating mills and millers, reported the same back to the Senate, and recommended its passage, with the following amendment:

Strike out all after the word "of," in the 3d section, 14th line, down to the 17th line to the word "provided," and insert "forty-two pounds of meal for fifty-six pounds of corn: provided, the owners or managers of said ox or horse power mills furnish said teams; but if the customers furnish said teams, they shall give 47 pounds of meal for 56 pounds of corn.

Mr. Holland, chairman of the select committee to whom was referred a bill to prevent vice and immorality on the Sabbath, reported back to the Senate a substitute therefor, and a majority recommended its favorable consideration.

Mr. Durst introduced a bill for the relief of Andrew J. Walker; read first time.

Mr. Sublett presented the petition of Abel L. Elves, asking for two-thirds of a league and one labor of land; referred to the committee on Private Land Claims.

Mr. Hill offered the following resolution:

Resolved, That the Commissioner of the General Land Office be, and he is hereby requested to inform the Senate whether the Journals of the Congress of the late Republic and the Legislature of the State of Texas have been copied and deposited in his office, as contemplated by the provisions of an act concerning the archives of the Legislature, approved February 16th, 1852; adopted.

Mr. Holland moved that the resolution proposing the 32d degree of latitude, as the basis for the general direction of the Pacific and Atlantic Railroad, be taken from the table and placed among the orders of the day; lost by the following vote:

YEAS—Messrs. Guinn, Hill, Holland, Jowers, Keenan, Martin, McDade, Newman, Potter, Scarborough, Scott, Taylor and Weatherford—13.

NAYS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Durst, Edwards, Gage, Hart, Kyle, Lott, Lytle, McAnelly, Paschal, Pedigo, Sublett, Superviele, Whitaker and Wren—19.

Mr. Potter, chairman of the committee on the Judiciary, made the following report:

The Judiciary committee have considered a bill to be entitled an act to authorize the sheriff of Calhoun county to execute deeds in certain cases. It appears that James P. Fulkerson, late

sheriff of Calhoun county, made sales of property under executions issued from the district court of said Calhoun county, and departed this life without having made conveyance to the purchasers of the property so sold, and the papers of the said sheriff have been lost. The object of the bill is to enable the purchasers at such sales to procure deeds for the property so purchased; and to effect such purposes some legislative action is considered to be necessary. The committee have therefore directed me to return the bill to the Senate with an amendment, and recommend the adoption of the amendment, and the passage of the bill.

Amendment to come in at the end of the first section: "Which proof shall be made at the expense of the party applying for the conveyance."

ORDERS OF THE DAY.

A bill to amend a joint resolution for the relief of the heirs and assigns of Benjamin D. Nobles, deceased, approved December 31st, 1849; read third time and passed.

A bill relinquishing to the counties the State tax for the years 1854 and 1855; read.

On motion of Mr. Edwards, the vote on yesterday, ordering said bill to be engrossed, was reconsidered by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Edwards, Hart, Hill, Kyle, Lytle, McAnelly, Paschal, Pedigo, Potter, Scarborough, Sublett, Superviele and Wren—16.

NAYS—Messrs. Burks, Durst, Gage, Guinn, Holland, Jowers, Keenan, Lott, Martin, McDade, Newman, Scott, Taylor, Weatherford and Whitaker—15.

On motion of Mr. Edwards, the vote rejecting the amendment offered by Mr. Potter, on yesterday, to come in at the end of the first section, was reconsidered, and the amendment adopted.

Mr. McAnelly moved that the bill as amended be referred to the committee on the Judiciary; lost.

The bill, as amended, was then ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Burks, Doane, Durst, Edwards, Gage, Guinn, Hill, Holland, Jowers, Keenan, Kyle, Lott, Lytle, Martin, Newman, Pedigo, Potter, Scarborough, Scott, Sublett, Taylor, Weatherford and Whitaker—26.

NAYS—Messrs. Hart, McAnelly, McDade, Paschal, Superviele and Wren—6.

A message was received from the House transmitting to the Senate a communication from the Governor, which, on motion of Mr. Holland, was read, and is as follows:

EXECUTIVE DEPARTMENT. }
 State of Texas, Austin, November 22, 1853. }

Gentlemen of the Senate and House of Representatives:

The period having arrived when it is proper for me to withdraw from the position of Chief Executive Magistrate of the State, I have the honor to announce to you, without the observance of any formality beyond that of placing the records of the Executive Department in the hands of the Lieutenant Governor, my readiness to retire.

I tender you, gentlemen, my personal and official respects. That your present labors may eminently redound to the honor of Texas, and that you may individually, in your passage through life, enjoy health and good fortune is my sincere prayer.

P. H. BELL.

A bill appropriating five thousand dollars to pay the contingent expenses of both houses of the Legislature; read third time and passed.

A bill making an appropriation for the per diem and mileage pay of members, and the per diem pay of the officers of the fifth Legislature; read third time and passed.

A bill to repeal a joint resolution for the punishment of vagrants, approved January 10th, 1839; read, and ordered to be engrossed by the following vote:

YEAS—Messrs. Allen, Bryan, Burks, Doane, Durst, Edwards, Guinn, Hill, Jowers, Keenan, Kyle, Lott, Lytle, Newman, Paschal, Pedigo, Potter, Scarborough, Sublett, Taylor, Weatherford and Whitaker—22.

NAYS—Messrs. Armstrong, Gage, Hart, Martin, McAnelly, McDade, Scott, Superviele and Wren—9.

A bill to provide for the erection of a residence for the Governor of the State; read second time, and, on motion of Mr. Sublett, referred to the committee on Public Buildings.

A message was received from the House, informing the Senate that the following resolution had been adopted by the House:

Resolved, That the Speaker appoint a committee of three, to act with such committee as the Senate may appoint for the same purpose, whose duty it shall be to examine and report the situation of the Treasury Department.

Messrs. Scott and Wren were appointed said committee on the part of the Senate.

A bill to amend the 1st and 7th sections of an act concerning writs of certiorari to justice's courts; read second time, and, on motion of Mr. Hart, referred to the committee on the Judiciary.

A bill to reduce into one act and to amend the several acts granting to actual settlers on vacant public domain pre-emption privileges, together with the amendment offered by Mr. Durst, being the special order of the day, was taken up.

Mr. Paschal offered the following amendment to the amendment of Mr. Durst:

Provided, said person be a married man; and if a single man, then he shall be entitled to no more than one hundred and sixty acres; and further provided, that this act shall not extend to any person who has previously received a grant of land from the Republic or State of Texas.

On motion of Mr. Gage, the bill and amendments were laid on the table.

On motion of Mr. Bryan, Mr. Sublett was added to the committee on Public Buildings.

On motion of Mr. Guitin, Mr. Burks was added to the committee on Engrossed Bills.

On motion of Mr. Gage, the Senate adjourned until Friday the 25th, at 10 o'clock, for the purpose of giving the committees a chance to work.

FRIDAY, November 25, 1853.

The Senate was called to order by the President *pro tem.*, pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Wednesday was read and adopted.

A message was received from the House informing the Senate that the House had passed the following bills originating in the Senate:

A bill to incorporate the Sharon Union School; and a bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company.

Also, the following bills originating in the House:

A bill for the relief of America Elkins;

A bill to authorize and require the Commissioner of the General Land Office to issue to the heirs of Walter H. Gilbert a certificate for forty-one hundred and eight acres of land;

A bill to incorporate the Texas Telegraph Company; and

A bill for the relief of Larkin Adainson.

And further informing the Senate, that the House had appointed Messrs. Fields, Dooly and Rogers a committee, to act conjointly with the Senate's committee appointed to examine into and report upon the condition of the Treasury.